

REMARKS

Claims 1-30 of the application stand rejected. Applicant respectfully request reconsideration of pending Claims 1-30 in light of the remarks herein.

References

Applicant respectfully points out that the Examiner relied on Georges (U.S. Patent Publication 2004/0074377), Flanagan et al. (U.S. Patent No. 3,828,132, "Flanagan"), Slaney (U.S. Patent No. 5,749,073), Cliff (U.S. Patent No. 6,344,607), Boss et al. (U.S. Patent No. 5,915,237) and Silverman (U.S. Patent No. 5,751,906, but these references were not cited in the Examiner's "Notice of References Cited." Copies of these references were also not attached to the Office Action dated July 15, 2004, although 4 other references were in fact attached (references not relied on). Applicants were able to obtain copies of the relevant references in order to respond to the Examiner's rejections. In order to ensure, however, that these references are properly included on record in the present case, Applicants hereby include these references in the enclosed Information Disclosure Form.

35 U.S.C. §103

Claims 1-7, 9, 12-13, 18-21, 23 and 26-28 stand rejected under 35 U.S.C. §103 as being unpatentable over Georges (U.S. Patent Publication 2004/0074377, "Georges") in view of Flanagan et al. (U.S. Patent No. 3,828,132, "Flanagan") and further in view of Slaney (U.S. Patent No. 5,749,073, "Slaney"). Claims 8, 22 and 29 stand rejected under 35 U.S.C. §103 as being unpatentable over Georges in view of Flanagan and Slaney, and further in view of Cliff (U.S. Patent No. 6,344,607, "Cliff"). Claim 10 stands rejected under 35 U.S.C. §103 as being unpatentable over Georges in view of Flanagan and Slaney, and further in view of Boss et al. (U.S. Patent No. 5,915,237, "Boss"). Claims 11, 14-17, 24-25 and 30 stand rejected under 35 U.S.C. §103 as being unpatentable over Georges in view of Flanagan and Slaney, and further in view of Silverman (U.S. Patent No. 5,751,906, "Silverman"). Applicants respectfully traverse the Examiner's rejections.

Examiner submits that Georges teaches various elements of independent Claims 1, 18 and 26. The Examiner admits, however, that Georges does not teach the element of “interpolating from said first set of sound characteristics to said second set of sound characteristics”. The Examiner suggests that this element is disclosed in by a combination of teachings from Flanagan and Slaney. Specifically, the Examiner submits that Flanagan teaches modifying voice characteristics (e.g., formant frequencies, pitch, amplitude) of synthesized speech) while Slaney teaches interpolating between sound characteristics (e.g., pitch) and voice characteristics (e.g., loudness). As a result, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the method of generating voice characteristic transition of Georges to include modification of voice characteristics of synthesized speech as taught by Flanagan and interpolation between sound and voice characteristics as taught by Slaney in order to interpolate a voice characteristic transition for a disc jockey from a first set of sound characteristics to a second set of sound characteristics. Applicant strongly disagrees.

Georges teaches an interactive digital music recorder and player. The Examiner suggests that Georges teaches “generating a voice characteristic transition for said disc jockey between a starting time and an ending time”. First, Applicant respectfully points out that this is not a claimed element. Additionally, Applicant disagrees that the section highlighted by the Examiner makes any reference to generating any type of “transition” between a starting time and an ending time. The paragraph referred to by the Examiner states: “Further, the recording of or the automatic generation of sentences that mimic the speech of a “disc jockey” or of an announcer permits combination of speech passages with the musical pieces being played, thereby giving the user the illusion that he is listening to an actual radio station.” Georges, Page 1, Paragraph 13, lines 7-11. There is absolutely no mention in this section of any type of “transition” or a “starting time and an ending time.” The Examiner concedes that Georges does not teach teach or suggest the claimed element of “interpolating a voice characteristic transition for said disc jockey from said first set of sound characteristics to said second set of sound characteristics”. Applicant therefore submits that since Georges also does not teach any type of transition between a starting time and an ending time, it cannot and does not teach the entire

element of “interpolating a voice characteristic transition for said disc jockey from said first set of sound characteristics to said second set of sound characteristics between a starting time and an ending time.”

The Examiner then suggests that the combination of Flanagan and Slaney teaches or suggests the element of “interpolating a voice characteristic transition for said disc jockey from said first set of sound characteristics to said second set of sound characteristics”. Again, Applicant strongly disagrees. First, Applicant respectfully submits that the Examiner inappropriately combined Georges with Flanagan and/or Slaney. Applicant submits that the references cannot be combined in the manner suggested by the Examiner. Georges describes an interactive recording and playback device, Flanagan describes a method of speech synthesis by concatenation of formant encoded words and Slaney describes a system for automatically morphing audio information. The mere fact that the references, if they may be combined, may provide a benefit, does not render the combination of the references obvious or proper. As set out in M.P.E.P. § 706.02(j), “(t)here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” In the present case, there is no such suggestion or motivation. If anything, the references teach away from each other because there is no motivation to incorporate speech synthesis or audio morphing methodologies into a recording and playback device that has no speech recognition or audio morphing capabilities.

The Examiner simply states, without support, that it would have been obvious to combine the method of generating voice characteristic transition of Georges to include modification of voice characteristics of synthesized speech as taught by Flanagan and interpolation between sound and voice characteristics as taught by Slaney in order to interpolate a voice characteristic transition for a disc jockey from a first set of sound characteristics to a second set of sound characteristics. The combination, according to the Examiner, would result in a smooth sound transition from music to voice and a more natural sounding synthetic utterance. Again, Applicant respectfully submits that the fact that the combination may provide an advantage does not prima facie mean that the combination is obvious. Regardless of whether there is an advantage, there is no teaching

in any of the references to suggest such a combination. More importantly, there is nothing in any of the references that would teach how to implement such a combination. Applicant therefore respectfully submits that the combination of these references is improper and respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to Claims 1-7, 9, 12-13, 18-21, 23 and 26-28.

Even assuming arguendo these references were properly combined, Applicant respectfully submits that they do not render Claims 1-7, 9, 12-13, 18-21, 23 and 26-28 unpatentable. As previously discussed, Georges does not teach at least the element of “interpolating a voice characteristic transition for said disc jockey from said first set of sound characteristics to said second set of sound characteristics between a starting time and an ending time”. The sections of Flanagan and/or Slaney highlighted by the Examiner also do not teach this element. More specifically, there is nothing in these sections that teaches interpolating from a first set to a second set of sound characteristics between a starting time and an ending time. As previously discussed, the Examiner erroneously suggested that Georges teaches the element of transitioning between a starting time and an ending time. The Examiner therefore does not show any such element in either Flanagan or Slaney and Applicant respectfully submits that no such teaching exists in either reference. Applicant therefore submits that Georges, even in combination with Flanagan and/or Slaney does not teach all the elements of Claims 1-7, 9, 12-13, 18-21, 23 and 26-28 and as such, these references do not render these claims unpatentable.

Applicant additionally submits that Claims 8, 10, 11, 14-17, 22, 24-25, 29 and 30 are also patentable over the references cited by the Examiner. Applicant respectfully points out that all of the Examiner’s rejections are based on Georges, Flanagan and Slaney in combination with another reference (Cliff, Boss or Silverman). Since Claims 8, 10, 11, 14-17, 22, 24-25, 29 and 30 are dependant on independent Claims 1, 18 and 26, the Examiner is apparently relying on the combination of Georges, Flanagan and Slaney to teach all elements of independent claims, and suggesting that the combination of these references with the various other references (Cliff, Boss or Silverman) renders the dependant claims unpatentable. Applicant respectfully submits that, as described above, the combination of Georges, Flanagan and Slaney does not in fact teach all elements of

independent claims 1, 18 and 26. Thus, without addressing the propriety of combining the cited references with Georges, Flanagan and Slaney, Applicant submits that the combination of any of these other references (Cliff, Boss or Silverman) with Georges, Flanagan and Slaney also does not teach all elements of the independent claims. Since the dependant claims incorporate all elements of the independent claims, these references, alone or in combination, cannot render any of the claims unpatentable. Applicants therefore submit that Claims 8, 10, 11, 14-17, 22, 24-25, 29 and 30 are patentable over Georges, Flanagan and Slaney, alone or in combination with Cliff, Boss or Silverman. Applicant therefore and respectfully requests the Examiner to withdraw the 35 U.S.C. §103 rejection to these pending claims.

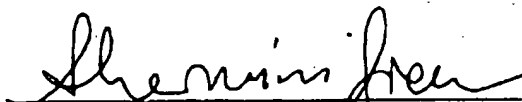
CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1, 2, 4, 6-8, 10-12, 15-16, 18-20, 22, 25-26 and 28-30 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (310) 406-2362.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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